

Sullivan County NH

Type of meeting: Board of Commissioners - Regular Public Business Meeting

Date/Time: Tuesday, January 17, 2006; 1:30 PM

Place: Unity County Complex, Sullivan County Health Care, 1st Floor, Recreation Room

ATTENDEES: Commissioners Donald Clarke - *Chair*, Ben Nelson - *Vice Chair* and Ethel Jarvis - *Clerk*; Ed Gil de Rubio - *County Manager*; Courtney Marshall - *Sullivan County Health Care Administrator*; Greg Chanis - *Facilities & Operations Director*, Peter Farrand - *Human Resource Director*; Heidi Smith - *Director of Nursing*; Sherrie Curtis - *Human Services Coordinator*; Sharon Johnson-Callum (Minute taker).

PUBLIC ATTENDEES: Kevin Cooney - *Community Alliance*; State-County Delegate Larry Converse; James Lowe - *Argus Champion staff reporter*; Mark Davis - *Valley News staff reporter*.

AGENDA ITEM NO. 1 MEETING MINUTES REVIEW - JANUARY 17, 2006 MINUTES

Commissioner Jarvis noted she spoke with Johnson-Callum just before the meeting about the attendees list for the January 3rd Awards Presentation vs. Regular Public Business Meeting section. Johnson-Callum concurred there should be two separate ones and she would adjust it accordingly.

1:32 A motion was made, by Commissioner Jarvis, to accept the January 3rd meeting minutes with the corrections noted. Commissioner Nelson seconded the motion. There was no further discussion. A voice vote was taken. The motion carried, unanimously.

AGENDA ITEM NO. 2. SULLIVAN COUNTY HEALTH CARE REPORT

AGENDA ITEM NO. 2.B. CENSUS

Mr. Marshall confirmed the Board of Commissioners received copies of the current census and other documentation (documents included the following):

CHARTER AS LP: January 17, 2006 COPY

	Lowland Days	Medford Flt/Day	Pike Flt/Day	NCBC Total Day	Madison Flt/Day	Pike Inpatient	Total Flt/Day	Vacant Beds
Medford	20	22	3	0	0	0	45	0
Lowland	40	20	0	0	7	0	67	0
Madison	0	0	0	0	0	0	0	0
Pike	0	0	0	0	0	0	0	0
TOTAL BODIES	60	42	3	0	7	0	112	0

	BUDGETED	ACTUAL	BUDGETED
Percentage Medicaid	77.8%	77.8%	
Percentage Private	22.2%	22.2%	
Percentage Medicare	0.0%	0.0%	
Percentage Private Insurance	0.0%	0.0%	
Percentage HOHO	0.0%	0.0%	
Percentage Flt/Day	0.0%	0.0%	

Note: Total census includes 9 residents in the hospital - include pay

Medicare Length of Stay Analysis
Sullivan County Nursing Home (SC)

Page 1 of 7
1/17/2006 10:21 AM
ASSTORLA

	Dec 2003	Jan 2004	Feb 2004	Mar 2004	Apr 2004	May 2004	Jun 2004	Jul 2004	Aug 2004	Sep 2004	Oct 2004	Nov 2004	Dec 2004	Jan 2005	Feb 2005	Mar 2005	Apr 2005	May 2005	Jun 2005	Jul 2005	Aug 2005	Sep 2005	Oct 2005	Nov 2005	Dec 2005	Total		
Total Admits & Transfers (All Payer Types)	14	10	13	12	14	13	6	14	13	8	3	3	12	15	12	11	11	10	10	10	10	10	10	10	10	125	185	
MED A Admits & Transfers	7	3	4	4	2	3	4	7	7	3	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	62	87	
MED B (Discharge) LOS	10	43	28	25	25	12	20	21	13	13	13	13	13	13	13	13	13	13	13	13	13	13	13	13	13	24	24	
MED C Discharge	7	5	5	3	3	1	3	4	3	3	3	2	1	1	1	1	1	1	1	1	1	1	1	1	1	27	37	
MED D (not in Facility)	2	3	3	5	2	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	22	22	
Total Average LOS	35	20	42	41	32	20	20	20	27	27	13	10	23	23	23	23	23	23	23	23	23	23	23	23	23	32	32	
Total MCHR Days	430	370	325	477	358	236	268	268	315	283	143	114	271	345	276	276	276	276	276	276	276	276	276	276	276	334	434	
Medicare LOS	220	120	106	230	220	120	201	150	201	135	102	60	145	185	152	152	152	152	152	152	152	152	152	152	152	180	230	
% of Total MCHR Days	51%	32%	33%	48%	61%	51%	72%	56%	64%	48%	73%	53%	53%	53%	55%	55%	55%	55%	55%	55%	55%	55%	55%	55%	55%	53%	53%	
Medicare LOS	65	127	144	178	152	81	3	48	22	22	81	81	15	81	15	15	15	15	15	15	15	15	15	15	15	110	110	
% of Total MCHR Days	15%	34%	44%	37%	42%	29%	1%	18%	7%	8%	29%	29%	5%	29%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	33%	25%	
Private Pay	11	5	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	120	120	
% of Total MCHR Days	3%	1%	2%	1%	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%	
Medicaid (Low dependency)	77	120	78	120	104	81	100	50	88	88	111	70	22	70	22	22	22	22	22	22	22	22	22	22	22	22	22	22
% of Total MCHR Days	18%	32%	24%	16%	29%	32%	38%	19%	28%	31%	31%	26%	8%	26%	8%	8%	8%	8%	8%	8%	8%	8%	8%	8%	8%	8%	8%	
Medicaid (Intermediate dependency)	193	78	107	141	112	62	20	81	85	77	23	21	21	21	21	21	21	21	21	21	21	21	21	21	21	21	21	21
% of Total MCHR Days	45%	21%	33%	29%	31%	23%	8%	31%	30%	28%	8%	8%	8%	8%	8%	8%	8%	8%	8%	8%	8%	8%	8%	8%	8%	8%	8%	
Medicaid (High dependency)	130	194	125	105	170	124	10	24	21	81	20	91	105	105	105	105	105	105	105	105	105	105	105	105	105	105	105	105
% of Total MCHR Days	30%	51%	39%	22%	49%	47%	41%	9%	32%	30%	31%	36%	36%	36%	36%	36%	36%	36%	36%	36%	36%	36%	36%	36%	36%	36%	36%	
Members Not Covered	1184,920	5111,429	3,118,490	3,144,970	3,126,127	572,073	49,192	571,078	571,822	360,787	530,917	532,187	51,005,657	51,005,657	51,005,657	51,005,657	51,005,657	51,005,657	51,005,657	51,005,657	51,005,657	51,005,657	51,005,657	51,005,657	51,005,657	51,005,657	51,005,657	51,005,657

AGENDA ITEM NO. 2.C. STAFFING

Marshall noted their focus is now on staff redistributing to certain floors and shifts. They continue to hire and interview; looking at that as a refining process to get the right staff and be consistent. The facility has almost a separate staff on weekends with the use of the Baylor system, which he feels they still need to beef up, but are close to getting this right.

AGENDA ITEM NO. 2.A. DEC 12, 2005 NH STATE SURVEY AND PLAN OF CORRECTION REVIEW

(Copy of survey and plan of correction on file @ Commissioners Office – Meeting minutes binder)
Mr. Marshall confirmed with the Board that they received a copy of the NH State survey, which includes the facility’s plan of correction. He noted the NH State surveyors would return to review their plan of correction. The staff is using the plan of correction as a tool to refocus.

The following are the areas of deficiencies, and narratives from employees of plan of corrections:

- **Tag F159 – Protection of Resident Funds** - Mr. Marshall noted this pertained to discharged residents, in particular - release of funds. He noted there are two laws governing this area, State and Federal, and they were going by State, but would now follow the Federal requirements. Mr. Marshall noted procedures and policies were discussed with the responsible staff.
- **Tag F160 – Conveyance Upon Death** - Mr. Marshall noted this pertained to the same, release of funds, upon death; and with the other, two sets of guidelines existed. They went by State, which notes to attain documentation from Probate, proof of estate appointment. They will now go by the Federal guidelines, which is to release funds within 30 days of deceased resident. Policy has been discussed with staff and as of today they are in full compliance. The County Manager added they have referred this issue to the County Attorney’s Office for review also.
- **Tag F161 – Assurance of Financial Security** - Mr. Marshall noted Primex was their carrier for

surety bonds, but the Federal Government does not acknowledge Primex as an appropriate insurer for this item. They will switch to new carrier. He has another agenda item coming up pertaining to signature authorization for the new carrier. He noted Cheshire County was sited on the same issue.

- *Tag F225 – Staff Treatment of Residents* - Heidi Smith, Director of Nursing, spoke to this issue, noting the deficiency was received due to the reporting timeliness. The employee it pertains to is no longer at the facility, resigning prior to the survey. In-service education will be conducted as well as audits of reporting timeliness in future by Social Services. She noted the incident was reported within 72 hours, but was not reported to supervisor.
 - Commissioner Jarvis inquired about the situation, and was concerned that LNA is out in the community. Ms. Smith noted it was an alleged incident and one of the two LNA's involved, when a resident was transferred from their bed, resigned employment before they knew about the incident. Ms. Smith felt there was no physical abuse but that LNA should have been less impatient. Mr. Gil de Rubio confirmed when, in the past, reported nurses to the NH State Board the Board's response was that nothing could be done about the nurse's license. Mr. Gil de Rubio noted he has pushed this issue with Councilor Ray Burton, as he feels it's important that the NH State Board have a regulator commission to oversee these issues with licenses - but as of yet, nothing has been pursued at the State level. He confirmed that the County has done the most they can do.
- *Tag F279 – Comprehensive Care Plans* – Ms. Smith spoke to this issue. She noted the facility was actually looking at this issue when the survey team arrived. They find with new staff getting used to processing higher acuity level admissions, assessment is there, but paper trail compliance is not. Test values not being documented correctly. In-service education on Care Planning, Assessments and Equipment uses is in progress and performing rolling audits will be done in the future.
- *Tag F281 – Comprehensive Care Plans* - Ms. Smith noted this was same as other, but geared towards interim care plans, a plan placed with newly admitted resident. Performing In-services with nurses. She noted random audits are to be performed in future.
- *Tag F282 - Comprehensive Care Plans* - Ms. Smith noted this pertained to pressure-relieving devices for residents, and the documenting of the devices. She noted, in-service regarding documenting being performed.
- *Tag F333 - Medication Error* - Ms. Smith noted this pertained to an isolated case where a med was not given as ordered. In-service education is in place. They will perform monthly audits.
- *Tag F371 – Sanitary Conditions – Food Prep & Service* - Ron McPhall, Dietary Director, commented on this area. He noted this pertained to the 3rd compartment sink used to wash pots and pans. He noted a week prior they switched from one vendor that held test strips in water 30 seconds to a vendor that uses test strips that should be submerged at least 90 seconds to receive accurate readings. He noted the employee was confident they did not submerge the test strip long enough. Together they feel it's an isolated issue. Education on the test strips has been provided.
 - Commissioner Clarke asked if the test was done by Dietary randomly. McPhall concurred they did and that the results were never outside the parameters since the survey.
- *Tag K050 – NFPA 101 Life Safety Code Standard* - Greg Chanis, Director of Facilities and Operation, spoke regarding all the Tag K issues. He noted this pertained to fire drills - once on each shift and each quarter fire drills are performed but were not documented. They performed two drills, which they were not able to find the documentation for – signature sheets. He noted the Safety Committee is meeting this month to review and produce fire drill schedules, using a

new form to report fire drills, and it will be the Safety Committee's responsibility to perform follow-up critiques.

- *Tag K062 – NFPA 101 Life Safety Code Standard* - Mr. Chanis noted this pertains to the automatic sprinkler system and two reports that were not available during survey that they contacted the vendor to attain, then found later in the secretary's office, but not in the Life Safety book. Documents provided to NH State surveyors.
- *Tag K064 – NFPA 101 Life Safety Code Standard* - Mr. Chanis noted this pertained to monthly fire extinguisher inspections, the responsibility of the maintenance staff. The employee was spoken to. They will include this in the Computerized Maintenance Management System (CMMS) they are implementing.
- *Tag K069 – NFPA 101 Life Safety Code Standard* - Mr. Chanis noted this pertained to the kitchen hood duct system. It was noted Mr. McPhall acquired a vendor to clean the hood duct system, but the Facilities Department did not have the paper documentation. They attached to the plan of corrections the invoices from vendor. This task will also be added to the CMMS.
- *Tag K144 – NFPA 101 Life Safety Code Standard* - This pertained to testing of generators monthly, and again it was noted the task would be added to the CMMS.
 - Commissioner Clarke noted a great number of deficiencies in documentation, appearing to be a common thread. In defense, Mr. Gil de Rubio noted there were many new employees and that education would need to be honed in and tuned. Commissioner Clarke concurred the important thing is to take action and correct.
 - Mr. Marshall concurred there was a trend and what they were seeing were a number of minor deficiencies. Commissioner Clarke asked if this was a polite way to say they were pickier? He noted though, if that is what they want we would comply.
 - Mr. Gil de Rubio thanked Mr. Marshall and the facility staff on their professional conduct throughout the survey; and, he felt it was a good survey ... they are constantly improving documenting and feels they will be corrected.

Mr. Gil de Rubio noted copies of the survey with the plan of correction will be distributed to the Delegation and Mr. Marshall would be providing an update at the Delegates next meeting.

AGENDA ITEM NO. 2.D. SURETY BOND: RESOLUTION REQUIRED

Mr. Gil de Rubio noted transferring the surety bond from Primex to Liberty Mutual Surety, through McCrillis & Eldredge, would cost approximately \$400 per year.

Commissioner Clarke read through the insurance carrier's resolution, verbatim. The form was for the Board to attest to the Administrator's signature, sign, stamp with seal and date.

2:05 A motion was made by Commissioner Nelson to have the Chair and Clerk sign the resolution form. Commissioner Jarvis seconded the motion. There was no discussion. A voice vote was taken. The motion carried, unanimously.

(See copy of resolution and signature form that follows)

Mr. Gil de Rubio noted the Criminal Justice Coordinating Committee met Jan 10th and the turn out was good. They created an RFP to hire an architect/engineer firm to conduct a needs assessment of the Department of Corrections. The Committee will tour two new facilities towards the end of February, or first few weeks of March. Commissioner Clarke discussed adding specific wording in RFP pertaining to female incarceration. The County Manager confirmed he'd include this.

2:12 A motion was made, by Commissioner Nelson, to ratify the needs assessment with the changes discussed for the Department of Corrections. Commissioner Jarvis seconded the motion. There was no discussion. A voice vote was taken. The motion carried, unanimously.

AGENDA ITEM NO. 3.B. COMMUNITY ALLIANCE UPDATE

Mr. Gil de Rubio requested that copies of his letter addressed to the Board, dated January 17th, be disbursed at this point. The letter was in reference to his findings at a meeting he held with Kevin Cooney of the Community Alliance (CA), Ella Casey - CA Board Chair, Donald Clarke - County Commissioner and Terry Knowles-NH State coordinator for charitable funds (the latter via teleconference due to bad weather) in regards to allegations made in a letter from Judith Deaver's, a former CA employee, and to provide recommendations to the Board of Commissioners.

(A copy of the letter follows)

COPY

MEMORANDUM

TO: The Sullivan County Board of Commissioners

FROM: Ed Gil de Rubio, County Manager

CC: Terry M. Knowles, Registrar of Charitable Trusts
The Honorable John Cloutier, Chairman, Sullivan County Delegation
The Honorable Brenda Perkins, Chairwoman, Finance Committee
Marc H. Deaver, County Attorney
Ms. Judith A. Deaver
Kevin Cooney, CEO, Community Alliance Inc.
Ella Casey, Chairwoman, Board of Directors, Community Alliance Inc.

SUBJ: December 23, 2005 - Letter From Judith Deaver to the County Manager and Subsequent Meeting on January 5, 2006

DATE: January 17, 2006

ATTCH: December 23, 2005 - Letter From Judith Deaver to the County Manager
January 5, 2006 - Letter From John D. Callahan Jr. (Leone, McDowell & Roberts), to Kevin Cooney

Purpose:

The purpose of this memo is to inform and report back to the Board of Commissioners regarding the January 5, 2006 meeting between the County Manager and Kevin Cooney, CEO, Community Alliance of Terre Haute. Additionally, this memo will conclude with specific recommendations concerning the policies and the handling of County Grants.

Background:

On December 23, 2005, the County Manager received a letter from Ms. Judith A. Deaver that outlined various allegations of mismanagement and unethical practices by Kevin Cooney. Ms. Deaver also recommended the County Manager to conduct an audit before releasing further funds to the Community Alliance Inc. Ms. Deaver's letter was presented to the Board of Commissioners, Executive Finance Committee and the Full Delegation. In turn, the County Manager was directed to meet with Mr. Cooney and report back to the Commissioners with recommendations.

Allegations:

In her December 23, 2005 - letter, Ms. Deavers ascertained during her employment as the Fiscal Director for Community Alliance Inc. (January, 2002 - November, 2002) she observed the following:

1. Entertainment expenses were higher than "appropriate" for a community funded non-profit organization.
2. There were many occasions which the agency paid for lavish meals, including alcohol for the management staff.
3. Attending a seminar in Phoenix for one (1) hour before leaving for entertainment, concluding with an overnight stay, paid by the agency.
4. There were evening meetings that included alcohol consumption at local restaurants.
5. There was great pressure placed on the management and staff to participate in these events.
6. Excessive party outings and abundant alcohol purchases has resulted in less funding going into services and more going into overhead.

Ms. Deavers concluded in her letter that although Community Alliance "provides quality and much needed services," there were issues of "initial commitment to the community, rather than laissez-faire, accounting." Ms. Deavers requested the County Manager conduct an audit concerning the administrative practices.

January 5, 2006 - Meeting:

In lieu of the allegations expressed in Ms. Deaver's letter, the County Manager arranged a meeting with Kevin Cooney on January 5, 2006. Attending the meeting were: Ted Gil de Rubio, County Manager, Kevin Cooney, CEO, Community Alliance, Don Clarke, Chairman, Sullivan County Board of Commissioners and Ellis Casey, Chairwoman, Board of Directors, Community Alliance. Due to inclement weather Terry Knowles, Registrar of Charitable Trusts participated via speakerphone.

There was no set agenda, participants were free to ask questions and discuss the issues expressed in the letter. Mr. Cooney's general response to the allegations is as follows:

1. The Deaver letter was a product of politics and a disgruntled employee.
2. The Community Alliance receives funding from many sources: Private, For Profit Service, Medicaid, Medicare, Title 26, DCYF, Department of Transportation, United Way, Sullivan County, Public Donations and Fund Raising.
3. Mr. Cooney is not directly involved with the bookkeeping and relies on two members of the staff to accurately keep track of revenues and expenses.
4. Mr. Cooney acknowledged the purchasing of meals and alcoholic beverages; but claimed these actions are and were consistent with standards and practices in the non-profit sector.

2

5. Any funds used towards entertainment were taken from private contributions and not from public funds.
6. Mr. Cooney submitted a letter from the accounting firm that audits The Community Alliance. Lerner, McInnally & Roberts (LM&R) claims that "audit procedures relating to expenditures incurred and paid by the Alliance revealed nothing out of the ordinary." The letter additionally states that it is the "understanding" of LM&R "that expenses such as conferences would have been pooled in an administrative reporting center rather than a specific program. The Alliance has alternative revenue sources as well as private donations that are used to support the general management activities of the Agency." County funds were used to support specific programs.
7. Mr. Cooney stated that he was willing to implement any policy decisions from the Board of Commissioners.

Reverendant:

The Community Alliance in conjunction with the other non-profit agencies of Sullivan County provide our citizens with much needed and appreciated services. Without these organizations the quality of life in Sullivan County would be compromised. I applaud the efforts of all the board members, appointed staff and volunteers who with limited resources strive to make their specific organizations meet the demands of their respective and approved goals. I approve and encourage the elected leadership of Sullivan County to continue its support of these stellar organizations with funds raised by the County budget. With that said, as County officials we must uphold the integrity of a fiduciary responsibility to the citizens of Sullivan County. This responsibility includes legal, moral and ethical actions on our behalf. Without this effort we would lose our trustworthiness and the confidence of the public. The tenets of fiduciary credibility and trust shall extend to all organizations that are supported by County funds.

It is basically clear from the January 5, 2006 meeting that Mr. Cooney has failed to establish a strong system of checks and balances within his organization. Mr. Cooney repeatedly tried to explain deficiencies and allegations on the fact that he did not get involved with the day-in day accounting system. Additionally, the method of reviewing and approving specific expenditures lacked a credible format. Internal controls should be created and adhered where necessary.

The assumption that Mr. Cooney did not participate in a fraudulent practice appears to be true. None the less, ethical concerns are at the fore front of this issue. The Community Alliance is a charitable organization. As such, there are opportunities and standards that must be promulgated from the various levels of its leadership. This is especially true regarding the CEO. It is evident Mr. Cooney breached the confidence of his staff and compromised the good name of the Alliance by over indulging his spending patterns. As the chief executive of this charitable organization, Mr. Cooney should be striving for the highest level of ethical acceptance. His excuse that these allegations were expressed by a disgruntled past employee and perpetuated by other non-profit organizations is ludicrous. Ms. Deavers was conscientious and true to spirit in her actions.

3

I have concerns about the letter Mr. Cooney submitted by the auditors. The statement that it was their "understanding" expenses for services etc., were passed to an administrative reporting center raises the questionability on how thorough an audit the Alliance received. The wording of this statement should have been more decisive and cement. I question how involved the audit review scrutinized the various administrative systems of the Alliance.

The allegations expressed in the December 25 Deaver's letter and the subsequent meeting encourages County officials to be more selective with the funds allocated towards County Grants. There should be an enhanced system of accountability with explicit proof indicating that public funds are financing specific programs. I recognize the documents, the policies in place and the method of fund allocation have been reviewed in a timely manner. The Commissioners and the Delegation have exhibited true diligence in providing the appropriate evaluation of this public service. Thus, my recommendations, at this time, would not involve a radical change in procedure.

Recommendations:

My recommendations will cover two functional concerns: policy and the allegations expressed in the Deaver's letter.

Policy:

1. The Commissioners instruct the County Manager not to release County Grant funds without specific documentation that indicate said funds were used to substantiate specific programs.
2. County Grant money will not be used for any type of administrative services without the approval of the County Commissioners and the Executive Finance Committee.
3. Under no circumstances should County Grant money be used for meals, alcohol and conferences.

Allegations:

1. The County Commissioners write a letter of support to Terry Knowles, Registrar of Charitable Trusts for a comprehensive inquiry into the ethical actions of Kevin Cooney.
2. The County Commissioners encourage the Community Alliance Board of Directors and Kevin Cooney to partake in Board Executive training that is sponsored by the Attorney General's office.

Respectfully Submitted,
Gil Gil de Rubio | County Manager

4

Commissioner Clarke commended Mr. Gil de Rubio for compiling the information and felt it was a good response. He noted Mr. Cooney's response was very telling when he noted at the meeting he would do anything to help assist them, and encouraged the Board to accept the County Manager's recommendations. Commissioner Nelson and Jarvis requested Mr. Cooney's response to the letter.

Mr. Cooney spoke, indicating this was the first he saw of the letter and wished he'd been provided more of a response time. He noted:

- It mischaracterized the meeting occurrences,
- he was under the impression the Attorney General's Office was performing an inquiry,
- the County Manager's recommendations were not so different than what Community Alliance already does,
- quarterly reports are already provided to Board of Commissioners, and
- anything we do to increase the transparency of the issue is encouraged.

Commissioner Clarke felt occurrences were very accurate. Mr. Cooney differed with his opinion. Commissioner Nelson discussed his thoughts on the allegations and pointed out the letter was now in the hands of the NH Charitable Trust Fund and Delegation, and felt it unnecessary to do a letter of support to Terry Knowles. Commissioner Jarvis concurred. Mr. Gil de Rubio noted some areas need to be tightened up and nonetheless held fast to all recommendations. The Board commenced general discussion on action to take and who was responsible for County grant funds. Mr. Gil de Rubio noted the Board of Commissioners disburses the County grant funds, and that the obligation of accountability is clearly on their shoulders. Mr. Cooney noted Terry Knowles indicated it was their responsibility to conduct an inquiry of letters received of this [Ms. Deaver's] nature and feels a letter of support to Knowles an unnecessary step.

2:35 A motion was made by Commissioner Nelson to implement Policies #1, #2, and #3 and Allegations #2 in form of letter under allegation and all action we encourage for now. Commissioner Jarvis seconded the motion. Discussion: Nelson requested the County Manager leave the word "encourage" in Allegations #2. Commissioner Clarke is not in favor, wanting to support all recommendations. A voice vote was taken. Commissioner Nelson and Jarvis voted in favor. Commissioner Clarke apposed. The motion carried with the majority.

Mr. Gil de Rubio requested the Board ratify his report - accepting the report as written.

2:36 A motion was made by Commissioner Nelson to ratify this report as printed. Commissioner Jarvis seconded the motion. There was no discussion. A voice vote was taken. The motion carried, unanimously.

AGENDA ITEM 3.C. NACO PRESCRIPTION DRUG DISCOUNT CARD PROGRAM

Mr. Gil de Rubio noted he had solicited views of the NACo drug discount card program from Courtney Marshall, Patti Koscielniak and Sharon Johnson-Callum; and the general consensus was to wait a few more months- primarily because of Medicare Part D issues, but also because concerns that were voiced that it might entail more administrative time and costs. Commissioner Clarke noted Christopher Boothby presented the plans as a program offering discounts in addition - not instead of. Mr. Gil de Rubio would like to hold a more thorough discussion with Ms. Koscielniak and to gather input from other NH counties running the program. He will provide an update at the Feb. 21st Board meeting. Commissioner Nelson concurred he would like to see the County pursue the program.

AGENDA ITEM 3.D. MEDICARE PART D "CLAWBACK" UPDATE

Mr. Gil de Rubio requested copies of the "*Estimated Clawback Costs*" and State of NH DHHS "*SFY 2006 Estimated County Share of State Phase Down Contribution (SPDC) Payments by County*" documents disbursed. He noted the estimates were provided by Jim Fredyma's office. Mr. Gil de Rubio requested Ms. Curtis to provide assistance in explanations throughout their discussion. Mr. Gil de Rubio spoke briefly of the initial announcement from State HHS Commissioner Stephens, during the NHAC Convention in October, of each county's responsibility, providing estimates at that time. Sullivan County's estimated FY 06 "Clawback" cost is approximately \$155,000 [\$155,163.02, estimate noted on hand out]. He noted this amount is to come out of the Sullivan County Human Services budget and that the amount doubles [to \$325,550, per handout] in FY 07 - of which they are able to plan ahead and include in the FY 07 budget. Mr. Gil de Rubio and Ms. Curtis are monitoring the costs closely over the next three months; and, noted they may need to report to the Delegation if additional funds are required. Commissioner Clarke spoke to define Clawback: due to Medicare part D the Federal government is sending money to pay for prescriptions of those dual eligible for Medicare and Medicaid, reducing the County cost. Accordingly, the Fed's are requesting money back - called a "Clawback". Ms. Curtis noted they are aware of those dual eligible, but are unable to verify if the County is being compensated accordingly. She noted they are responsible for psyche meds. Ms. Curtis confirmed "Clawback" communications did not begin until after the FY 06 budget was approved; and Clarke confirmed, even at the NHAC Convention the dollar amount was unsure. (See documents that follow - handed out at meeting)

Estimated Clawback Costs

County	FY06 Actual Suite Billed Amount Provider Payments	% of Caseload Totals	State Est. Provider Pay FY06	State Est. Provider Pay FY07	Estimated Clawback Costs FY06	Estimated Incr FY08	Estimated Clawback Costs FY07	Estimated Incr FY07 over FY06
Baltimore	595,185.26	4.84%	445,258.72	458,872.15	141,926.52	64,155.35	800,080.00	49,738.52
Cecil	470,846.61	3.51%	400,193.83	398,578.23	112,648.48	41,807.48	236,220.00	27,442.20
Cheshire	610,868.48	8.66%	774,152.88	888,011.97	168,865.88	80,092.08	412,920.00	28,020.42
Cook	586,427.57	6.43%	635,230.08	638,897.85	110,141.87	41,846.56	886,800.00	6,884.71
Garth	837,419.15	7.26%	711,601.27	840,815.18	215,255.08	88,445.18	451,880.00	55,015.50
Hillsborough	2,949,517.85	30.43%	2,355,234.40	2,548,321.53	863,542.74	276,328.00	1,324,080.00	143,400.00
Merrimack	1,288,798.12	11.26%	1,184,658.18	877,047.20	329,021.72	121,881.76	483,560.00	80,227.32
Rockingham	2,040,754.08	16.31%	1,784,160.01	1,817,221.15	452,484.67	145,855.99	848,220.00	70,787.10
Sufford	581,018.23	9.34%	518,837.30	520,285.67	282,733.48	148,354.53	816,280.00	126,204.51
Sullivan	624,971.63	8.26%	633,819.50	402,811.68	165,163.62	81,418.21	328,600.00	45,854.27
Total	12,684,155.69		10,781,528.99	8,174,166.75	2,644,824.11	1,052,217.01	6,208,000.00	658,575.65

BAR 1/20/06

State of NH, D/FAC, DMSP Sheet: Medicaid Program

State's New Hampshire
Office of Medicaid Business and Policy
Estimated State Fiscal Year Contribution (EPDC) Payments by County
6/1/2006 - Estimated County Totals

COUNTY	Medicaid Caseloads				Estimated Monthly County Payments						
	ICDC-001	Family	TOTAL	% of Total	January	February	March	April	May	June	FY 2006 Total
	185	27	218	43.0%	\$ 22,691.88	\$ 28,722.74	\$ 23,810.43	\$ 28,829.59	\$ 23,829.65	\$ 26,874.42	\$ 26,874.42
85	190	275	39.7%	\$ 10,821.55	\$ 10,220.29	\$ 10,815.02	\$ 10,825.59	\$ 10,793.72	\$ 10,794.26	\$ 112,850.49	
132	287	419	63.0%	\$ 22,090.55	\$ 22,347.11	\$ 22,094.82	\$ 22,349.17	\$ 22,375.05	\$ 22,382.87	\$ 190,828.59	
145	378	424	64.3%	\$ 81,476.80	\$ 81,280.19	\$ 81,780.81	\$ 81,748.28	\$ 81,782.22	\$ 81,793.00	\$ 100,147.57	
183	330	480	73.0%	\$ 37,072.85	\$ 36,236.59	\$ 37,072.85	\$ 36,314.82	\$ 36,546.81	\$ 36,281.81	\$ 713,288.08	
117	122	239	29.4%	\$ 140,642.87	\$ 144,028.25	\$ 145,253.85	\$ 143,371.05	\$ 145,500.25	\$ 142,141.01	\$ 889,540.74	
181	158	337	41.2%	\$ 85,072.87	\$ 84,230.41	\$ 84,467.87	\$ 84,467.23	\$ 84,443.89	\$ 84,418.04	\$ 328,231.72	
202	707	1208	18.9%	\$ 74,028.41	\$ 75,285.14	\$ 73,888.81	\$ 73,843.27	\$ 73,881.80	\$ 73,827.87	\$ 492,484.57	
284	371	655	8.1%	\$ 48,002.41	\$ 48,002.41	\$ 48,002.41	\$ 48,002.41	\$ 48,002.41	\$ 48,002.41	\$ 288,014.56	
147	118	265	12.8%	\$ 73,888.40	\$ 73,888.40	\$ 73,888.40	\$ 73,888.40	\$ 73,888.40	\$ 73,888.40	\$ 443,330.40	
TOTAL	2188	4207	888	100%	\$ 608,148.95	\$ 601,828.03	\$ 603,872.05	\$ 603,822.24	\$ 603,432.81	\$ 603,222.85	\$ 2,854,825.11

EPDC is based on county 1-6-06 data Page 1 of 1 1/20/2006

AGENDA ITEM NO. 5 COMMISSIONERS REPORT

Commissioner Nelson noticed Irving Oil fuel charges to the Cooperative Extension Office and to the Department of Corrections was different. Mr. Gil de Rubio will contact Greg Chanis on this matter.

Commissioner Nelson asked on the status of Sullivan County Health Care surveys. Mr. Gil de Rubio noted a few delegates had inquired on surveys in place. He noted he has been talking to Mr. Marshall about hiring an independent company, one that would conduct impartial surveys and then display the findings through a comparison of identical facilities in a regional area; pro's - independent firm can compare to regional homes placing Sullivan in a more competitive mode. Mr.

Gil de Rubio will check on the cost.

Commissioner Jarvis and Clarke had no reports.

AGENDA ITEM NO. 6 PUBLIC PARTICIPATION

KELLY MURPHY, UNITED WAY

Ms. Murphy updated the Board on their launch of the Sullivan County Employee campaign for United Way. She noted Sherrie Curtis was the County Campaign Chair, assisted by Ron McPhall, Sam Fletcher, Peter Farrand, Heidi Smith and Donna Chartier. January 31st, they will have a wrap up group meeting / celebration at the Ahern Building. May 26th, in the Frank Smith Living Room from 7 a.m. - 4 they will hold a United Way agencies volunteer fair for employees and the public.

Rep. Larry Converse requested the status of the building demolition project and used medical equipment. Mr. Gil de Rubio confirmed demolition is to begin Monday – with the Apartment Building to be the first to be taken down. He confirmed Rep. Donovan had indicated he was working out the logistics of where he was going to store items he reserved.

UPCOMING EVENTS

Jan 27th Friday at 10:15 Delegation will meet in Newport.

Feb 7th Tuesday at 1:30 Commissioners meet in Newport.

3:01 A motion was made by Commissioner Nelson to go in to executive session per 91-A:3.II.c. to discuss union negotiation matters. Commissioner Jarvis seconded the motion. There was no discussion. A roll call vote was taken. All were in favor.

3:15 A motion was made by Commissioner Jarvis to come out of Executive Session and to adjourn the meeting to tour the Department of Corrections facility. Commissioner Nelson seconded the motion. There was no discussion. A voice vote was taken. The motion carried, unanimously.

The following are notes from Superintendent Hagar of the tour.

Commissioners Tour: Tuesday 17th at 3:30PM.

In attendance: County Commissioners Donald Clarke, Ethel Jarvis, Ben Nelson, Ed Gil de Rubio – County Manager, Representative Larry Converse, Judge B. Cardello – Newport District Court, Superintendent Scott Hagar and Lieutenant Doug Roberts.

Transitional Housing Unit – located at 4 Nursing Home Drive, Unity New Hampshire. 8 housed at the THU, 4 on Home Confinement and Electronic Monitoring.

- Tour of entire unit included new office space for LADC services for Sullivan County Intervention Program and Incarcerated Inmates and new furniture in the unit cafeteria.
- Housing Unit was recently painted.
- Superintendent Hagar demonstrated and discussed EM / GPS equipment for the group.

Main Jail Facility – located at 103 County Farm Road, Unity New Hampshire. Census: 110 inmates.

- Tour of entire facility (All Housing Units, Kitchen, Booking, Medical, Classrooms, Control Center, and Reception)
- Discussed Kitchen renovation project scheduled to begin January 23, 2006.
- Discussed overcrowding conditions in housing units. At the time of the tour 1 cell in Unit 3 was triple bunked with a mattress on the floor.
- Discussed lack of programming space for inmates, lack of visiting space, and lack of dining space due to increased population.

Tour conclude at 5:30 PM

Respectfully submitted,

A handwritten signature in cursive script that reads "Ethel Jarvis".

*Ethel Jarvis, Clerk
Board of Commissioners*

EJ/s.j-c.